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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

March 21, 2001

Reply To
Attn Of: ECL-113

Jerry Lyle, Assistant Manager
U.S. Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

Re: Response to DOE's Invocation of Dispute

Dear Mr. Lyle:

I have received Kathleen Hain's letter dated March 16, 2001, invoking dispute concerning EPA's denial of the Department of Energy's (DOE's) request for an 88-month extension for submittal of the Remedial Action Report for Stage II, a 124-month extension for submittal of the Stage III Remedial Design, and a 149-month extension for submittal of the Stage III Remedial Action Work Plan and Operations and Maintenance Plan for Operable Unit (OU) 7-10, i.e., Pit 9 of the Subsurface Disposal Area (SDA).

I am writing to express my disappointment regarding DOE's failure to meet its commitments with respect to the cleanup of Pit 9. I also strongly believe that the Pit 9 issue must not be divorced from the concerns we have regarding the larger OU 7-13/14 investigation and study. We need to come to resolution and chart a cost effective path forward for the SDA as soon as possible.

After reviewing DOE's written statement of dispute, it is my position, as EPA's representative to the Dispute Resolution Committee (DRC), that DOE's request for a lengthy extension does not demonstrate "good cause." It is my understanding that the Idaho Department of Environmental Quality (IDEQ) holds a similar position. Because of the significance of this issue, I recommend that it be elevated to the Senior Executive Committee (SEC) without further discussion amongst the DRC. The State of Idaho supports this approach and I hope DOE agrees as well.

As referenced in its Statement of Dispute, DOE most recently set forth its

available to meet with you and Steve Allred, although as of the date of this letter, his calendar indicates limited availability at the end of April 2001. His availability improves in early May, although the onset of budget negotiations with EPA Headquarters will likely affect his schedule. Please let us know Beverly Cook's availability as soon as possible so that we may confirm a meeting date.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael F. Gearheard". The signature is fluid and cursive, with the first name "Michael" being more prominent and the last name "Gearheard" following in a similar style.

Michael F. Gearheard
Director, Office of Environmental Cleanup

cc: Beverly Cook, DOE-ID
Steve Allred, IDEQ
Kathleen Trevor, INEEL Oversight Office
Dean Nygard, IDEQ
Lisa Green, DOE-ID
Kathleen Hain, DOE-ID